

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Samuel Campbell Marsh

Bar No. 43756

Supreme Court No. 201,657-0

SECOND
SUPPLEMENTAL
DECLARATION OF
DISCIPLINARY COUNSEL
IN SUPPORT OF ODC'S
PETITION FOR INTERIM
SUSPENSION

The undersigned Disciplinary Counsel of the Office of
Disciplinary Counsel (ODC) of the Washington State Bar Association
declares:


1. I am over the age of eighteen years and competent to testify.

I make the statements in this declaration from personal knowledge and
from my review of the records of the Office of Disciplinary Counsel.

2. Attached to this Declaration is a true and correct copy of the
Hearing Officer's oral ruling in Formal Proceeding No 15#00082 on
August 2, 2017.

The undersigned declares under penalty of perjury under the laws of the state of Washington that the foregoing declaration is true and correct.

Seattle 8/18/17
Date and Place



Francesca D'Angelo,
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Disciplinary Counsel
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1 ORAL RULING OF HEARING OFFICER MANO:

2 August 4, 2017, 1:00 p.m.

3 HEARING OFFICER MANO: Okay. Thank you.

4 Well, I don't have any trouble at all -- I normally
5 don't make a decision at the hearing, but I don't have any
6 trouble at all finding that all of the allegations, the
7 factual allegations in the Formal Complaint have been
8 proven by a clear preponderance of the evidence.

9 Mr. Marsh's conduct here bordered on deliberate
10 cruelty to Mr. Maduiké and, of course, by reference to
11 Ms. Diggs. She did everything she could possibly do to
12 ask for communication from Mr. Marsh; and for Mr. Marsh to
13 then respond to that and to respond to this notice that he
14 was going to be removed on March 25th by making a phone
15 call to Mr. Maduiké and joking, cajoling, calling him
16 names, all of the things that he indicated he said, how
17 can you do something like that without knowing the cruelty
18 effects on the person that you're speaking with?

19 Here Mr. Maduiké's life is in Mr. Marsh's hands, or
20 so Mr. Maduiké thought, and Mr. Marsh doesn't lift a
21 finger to do what he's supposed to do. To not even file a
22 Notice of Appearance in the Ninth Circuit matter so that
23 at the very least he would be getting copies of documents
24 that he knows would have to be responded to, he doesn't
25 even do that. I mean, that's something that can be done

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1 in five minutes or less.

2 And yet he continues to berate them for not making
3 payments that he knows -- he absolutely knows are not
4 earned and are not deserved. And, in fact, he's doing
5 absolutely nothing for Mr. Maduike.

6 And I guess any reasonable person has to wonder,
7 does he think that Mr. Maduike is going to be deported,
8 and therefore he'll never make a complaint to the Bar
9 Association? Or he'll never be around to seek the money
10 back. He's going to be in Nigeria and probably never be
11 admitted to the United States again, which for Mr. Maduike
12 is, if not a death sentence, certainly is a life sentence
13 away from his children who would then have to travel to
14 Nigeria to visit with him, as well as any other
15 communications that, you know, he would like to make with
16 people in the United States.

17 So with respect to the counts, even though I
18 questioned particularly the counts dealing with the fee
19 agreement, I think it was intended by Mr. Marsh to be a
20 flat fee. And it really was unclear to the Maduikes -- to
21 Mr. Maduike and Ms. Diggs as to what it was; but clearly
22 if it was intended to be a flat fee, the requirement is
23 clear that you have to have certain language in the
24 retainer agreement which makes clear to the person that
25 this money is going to be earned right in the beginning

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1 and is going to be taken as the property of the attorney.

2 None of that appears in the retainer agreement and
3 has to be there in order for this to be a flat fee by
4 rule, as counsel points out. It then becomes a trust
5 account fee, one in which is an advanced fee that is going
6 to be earned before it's actually taken and must be placed
7 into the trust account.

8 The failure to even tell him or talk to him about
9 this removal proceeding on March 25th, once he does call
10 him about the fee and just jokes around about it, it's to
11 me a showing that absolutely no empathy exists in
12 Mr. Marsh's mind when he deals with his clients. And, you
13 know, I wonder what other clients he has had and dealt
14 with in a similar fashion and has shown them the utter
15 disrespect that he showed Mr. Maduike.

16 So I have no problem with finding that each of these
17 counts has been proven, that the facts have been proven to
18 establish all the counts.

19 I want to take a little longer look at the ABA
20 *Standards* before I decide the length of the suspension in
21 this particular case.

22 Any questions?

23 MS. D'ANGELO: No, Your Honor.

24 Would you like -- Would you like the Office of
25 Disciplinary Counsel to draft the findings, or is that

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1 something that you would like to do?

2 HEARING OFFICER MANO: Well, that's always
3 easier for me for you to do that, but --

4 Do you want to do that?

5 MS. D'ANGELO: We can do that, yes.

6 HEARING OFFICER MANO: All right.

7 Well, thank you very much for a very professional
8 presentation, and I'm glad we were able to get this over
9 so quickly. Thank you.

10 END OF PROCEEDINGS: 1:05 p.m.

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WASHINGTON STATE BAR ASSOCIATION

August 18, 2017 - 1:27 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 201,657-0
Appellate Court Case Title: In re: Samuel Campbell Marsh, Attorney at Law (WSBA #43756)

The following documents have been uploaded:

- 2016570_Affidavit_Declaration_20170818132449SC897658_2537.pdf
This File Contains:
Affidavit/Declaration - Disciplinary Counsel
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A copy of the uploaded files will be sent to:

- allisons@wsba.org
- francescad@wsba.org
- samuel@marshimmigrationlawyer.com

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